

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATION BOARD**

**ROCKWELL MINING LLC**

**and**

**Case No. 09-CA-206434**

**UNITED MINE WORKERS OF AMERICA,  
INTERNATIONAL UNION, AFL-CIO**

**CHARGING PARTY'S EXCEPTIONS TO  
ADMINISTRATIVE LAW JUDGE PAUL BOGAS' JUNE 4, 2018 DECISION**

Pursuant to Section 102.46 of the NLRB's Rules and Regulations, the Charging Party respectfully files the following exceptions to the June 4, 2018, Decision of Administrative Law Judge ("ALJ") Paul Bogas.

1. The Charging Party, United Mine Workers of America ("UMWA" or "Union") agrees with Counsel for the General Counsel's ("CGC") Exceptions to Judge Bogas' Decision. To avoid redundancy and burdening the record with duplicate arguments, the UMWA hereby adopts and incorporates the Exceptions, brief and arguments of CGC.

2. In addition to adopting CGC's Exceptions, the UMWA wishes to emphasize that the ALJ also specifically erred by:

- a. Failing to find the discharge of the lead in-house Union organizer, Jerry Hager pretextual in light of the Respondent's failure to train him before reassigning him to a new job as required by federal law.

- b. Failing to conclude the discharge of Hager was pretextual in light of the finding that Respondent's key witnesses on critical points concerning Hager's training were not credible and had actually falsified the required training records.

### **CONCLUSION**

For these reasons and those advanced by CGC, the Charging Party respectfully urges that their Exceptions be granted.

**UNITED MINE WORKERS OF AMERICA,  
INTERNATIONAL UNION, AFL-CIO**

/s/ Brian Lacy

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**CERTIFICATE OF SERVICE**

I, Brian Lacy, hereby certify that I have served the attached **CHARGING PARTY'S  
EXCEPTIONS TO ADMINISTRATIVE LAW JUDGE PAUL BOGAS' JUNE 4, 2018  
DECISION** on the other parties by sending a true copy thereof via electronic mail and regular U.S. mail on the 1<sup>st</sup> day of August 2018, to the following:

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/s/ Brian Lacy  
Brian Lacy, International Representative